

PHILIP R. SELLINGER
United States Attorney
R. JOSEPH GRIBKO
Senior Civil Rights Counsel
SUSAN MILLENKY
Assistant U.S. Attorney
970 Broad Street, Suite 700
Newark, NJ 07102
Tel: (973) 645-2700

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL COURNEY,

Defendant.

Civil Action No.

COMPLAINT

The United States of America, by its undersigned attorneys, files this complaint under the Freedom of Access to Clinic Entrances (FACE) Act, 18 U.S.C. § 248, and alleges:

INTRODUCTION

1. Defendant Daniel Courney violated the FACE Act by his use of physical force against a provider of reproductive health services in Englewood, New Jersey.
2. On two occasions in October 2021, Courney used physical force against a patient escort in an effort to prevent that provider from helping patients access an Englewood, New Jersey clinic that provides reproductive health services, including abortion.

JURISDICTION, STANDING, AND VENUE

3. This Court has jurisdiction over this action pursuant to 18 U.S.C. § 248(c)(2), 28 U.S.C. § 1331, and 28 U.S.C. § 1345.

4. The United States has standing to bring this action pursuant to 18 U.S.C. § 248(c)(2).

5. Venue is proper under 28 U.S.C. § 1391(b) because the events giving rise to this action occurred in the District of New Jersey.

DEFENDANT

6. Throughout 2021, defendant Daniel Courney was a regular protestor outside of Metropolitan Medical Associates, a health care clinic in Englewood, New Jersey.

7. Upon information and belief, Courney resided in Bergen County, New Jersey in 2021.

FACTS

8. Metropolitan Medical Associates (hereafter, Clinic) is a healthcare clinic in Englewood, New Jersey. The Clinic provides reproductive health services, including services relating to pregnancy or the termination of a pregnancy. 18 U.S.C. § 248(e)(5).

9. Clinic patients must access the Clinic through a door that opens onto a public sidewalk in downtown Englewood. Anti-abortion protestors regularly gather on the sidewalk outside the Clinic.

10. A group of volunteer patient escorts gathers at the Clinic on Saturday mornings, the Clinic's busiest procedure day. The volunteer escorts direct Clinic patients to parking and guide patients past the protestors inside the Clinic so that the patients may access the Clinic's reproductive health services.

11. Throughout 2021, Courney was the most aggressive anti-abortion protestor outside of the Clinic. Courney regularly followed patients to the Clinic's door, moved in front of the Clinic entrance to block patients from accessing the Clinic, and stepped into the path of volunteer escorts guiding patients inside the Clinic.

12. On October 16, 2021, Courney was part of the group of anti-abortion protestors outside of the Clinic.

13. On October 16, 2021, as a volunteer patient escort (Volunteer) directed individuals seeking the clinic's services to nearby parking, Courney approached the car in which the prospective patient and her companion were seated and told them to "save your child." Courney then used his body to shove the Volunteer away from the car to physically prevent the Volunteer from directing the woman and her companion to the Clinic.

14. On October 30, 2021, the same Volunteer was escorting a woman seeking reproductive health services to the entrance of the Clinic. As the Volunteer and the woman approached the clinic's front door, Courney moved his body in between the Volunteer and the prospective patient and used his body to shove the Volunteer toward the street to physically prevent him from escorting the prospective patient to the clinic.

First FACE Act Violation, 18 U.S.C. § 248(a)

15. The United States repeats and incorporates the preceding paragraphs as if fully set forth herein.

16. Volunteer escorts who assist patients at facilities that offer reproductive health services are providers of reproductive health services within the meaning of the FACE Act.

17. The Volunteer who interacted with Courney on October 16, 2021 was a provider of reproductive health services within the meaning of the FACE Act.

18. On October 16, 2021, Courney used force to intentionally intimidate and interfere with, and to attempt to intimidate and interfere with, the Volunteer because the Volunteer was and had been providing reproductive health services, and to intimidate the Volunteer from continuing to provide reproductive health services.

19. Courney's conduct on October 16, 2021 violated the FACE Act, 18 U.S.C. § 248(a).

Second FACE Act Violation, 18 U.S.C. § 248(a)

20. The United States repeats and incorporates the preceding paragraphs as if fully set forth herein.

21. Volunteer escorts who assist patients at facilities that offer reproductive health services are providers of reproductive health services within the meaning of the FACE Act.

22. The Volunteer who interacted with Courney on October 30, 2021 was a provider of reproductive health services within the meaning of the FACE Act.

23. On October 30, 2021, Courney used force to intentionally intimidate and interfere with, and to attempt to intimidate and interfere with, the Volunteer because the Volunteer was and had been providing reproductive health services, and to intimidate the Volunteer from continuing to provide reproductive health services.

24. Courney's conduct on October 30, 2021 violated the FACE Act, 18 U.S.C. § 248(a).

PRAYER FOR RELIEF

25. The United States is authorized under 18 U.S.C. § 248(c)(2) to seek and obtain temporary, preliminary, and/or permanent injunctive relief from this Court for Courney's violations of the FACE Act.

26. The United States is authorized by 18 U.S.C. § 248(c)(2) to request that the Court assess a civil penalty against Courney for violations of the FACE Act.

WHEREFORE, the United States respectfully requests judgment in its favor and that this Court enter an order that:

- A. Permanently enjoins defendant Daniel Courney or others acting on his behalf from coming within 50 feet of the Clinic;
- B. Permanently enjoins defendant Daniel Courney or others acting on his behalf from violating the FACE Act;
- C. Requires Courney to pay a civil penalty as permitted by the FACE Act, 18 U.S.C. § 248(c)(2)(B);
- D. Awards any additional relief that the interests of justice may require.

Dated: October 3, 2022

Respectfully submitted,

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

PHILIP R. SELLINGER
United States Attorney

By: s/ Susan Millenky
SUSAN MILLENKY
Assistant U.S. Attorney
R. JOSEPH GRIBKO
Senior Civil Rights Counsel
Civil Rights Division
970 Broad Street, Suite 700
Newark, NJ 07102
Phone: (973) 645-2700

*Attorneys for Plaintiff
United States of America*